

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

In re:)
ROBERT FUENTES, AND) Case No. 19-10041
SANDRA CRUZ FUENTES,) (Chapter 7)
)
Joint Debtors.)

MOTION TO AVOID JUDICIAL LIEN WITH BRIEF COMBINED,
AND NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

The 14-day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).

COME NOW the Debtors, ROBERT FUENTES and SANDRA CRUZ FUENTES, by and through counsel, B. DAVID SISSON, and pursuant to 11 U.S.C. § 522(f) (2006) and Fed. R. Bankr. P. 4003(d), 9014, move this Honorable Court for an order avoiding a certain judicial lien against real property which is the Debtors' principal residence. In support of this Motion, Debtors respectfully show:

1. Debtors filed their Chapter 7 petition on January 8, 2019.

2. This Motion is filed pursuant to 11 U.S.C. § 522(f) to avoid and cancel a judicial lien held by NATIONAL FUNDING, INC., on certain real property, which is the Debtor's principal residence.
3. Prior to commencement of this case, Debtor, ROBERT FUENTES was indebted to NATIONAL FUNDING, INC., by reason of a certain foreign money Judgment entered against him on or about July 27, 2018; said Judgment was registered and filed October 22, 2018, and recorded at the office of the Cleveland County Clerk October 22, 2018, at 11:28 a.m., Book 240, Page 1128, National Funding, Inc., v Roberto Fuentes, et al., Case number BC-660749, in the Superior Court of Los Angeles County, State of California.
5. The Debtors' interest in the real property which is their principal residence, located at 2512 East Hills Drive, Moore OK, 73160, is claimed as exempt pursuant to Okla. Stat. tit. 31, § 1(A)(1), and is described as follows:

Lot Thirty-Three (33), in Block One (1), of EAST HILLS ADDITION, Lots 23 thru 33 Incl. of Block 1, and Lots 18 thru 20 Incl. of Block 2, and Blocks 3 thru 8 Incl., of SECTION VI, to Moore, Cleveland County, Oklahoma, according to the recorded plat thereof.
6. The existence of said lien on Debtors' real property impairs exemptions to which the Debtors would be entitled under 11 U.S.C. § 522(b).

WHEREFORE, premises considered, Debtors pray for the cancellation and avoidance of said judicial lien against their residential real estate, and for such other and further relief as this Court deems just and equitable.

Dated: March 27, 2019.

Respectfully submitted,

/s/ B David Sisson

B. DAVID SISSON, OBA # 13617
LAW OFFICES OF B. DAVID SISSON
305 E Comanche St. /P. O. Box 534
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ATTORNEY FOR DEBTORS

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of March, 2019, a true and correct copy of the *Motion to Avoid Judicial Lien with Brief Combined, and Notice of Opportunity for Hearing* was electronically served using the CM/ECF system, namely:

Asst. U. S. Trustee | Ustpreion20.oc.ecf@usdoj.gov
Misti L. Beanland Esq. | beanland@mssattorneys.com
Bill C. Lester Esq. | BLester@lesterlawoffice.com
Lyle R. Nelson, Trustee | lyle@lylenelsonlaw.com

I further certify that on this 27th Day of March, 2019, a true and correct copy of the *Motion to Avoid Judicial Lien with Brief Combined, and Notice of Opportunity for Hearing* was served by depositing the same in the U. S. Mail, first class and with sufficient postage thereon, to:

National Funding, Inc.
David Gilbert, CEO
9820 Town Centre Dr.
San Diego CA 92121

Robert Fuentes
Sandra Fuentes
308 Falling Pine Drive
Moore OK 73160

John P Seidenberger, Esq.
The Sayer Law Group, PC
925 E 4th St.
Waterloo IA 50703

/s/ B David Sisson